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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,860	10/30/2003	Terrence Anton	10052-001	9768

29391 7590 10/19/2005

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EXAMINER	
GRAHAM, MARK S	

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,860	ANTON ET AL.	
	Examiner	Art Unit	
	Mark S. Graham	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30,32,33,35-37,39-48 and 52-64* is/are pending in the application.

4a) Of the above claim(s) *1-21 and 52-64* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-30, 32, 33, 35-37, 39-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 39, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas in view of Jones. With regard to a Dumas layout as disclosed in Fig. 7, Dumas discloses the claimed course with the exception of the positioning of the tees. Dumas' rectangularly oriented repeated holes are substantially the same size as is clearly depicted in Figs. 7 and 1.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. It would have been obvious to one of ordinary skill in the art to have done so with Dumas' fairways as well to increase the versatility of the golf course. How the tee areas are used is not at issue.

Concerning claim 40, the examine took official notice that golf courses are commonly provided with extra space and swimming pools in country club settings to provide various activities and such is now admitted prior art. It would have been obvious to one ordinary skill in the art to have provided Dumas' course in the same manner for the same reason.

Claims 22-28, 30, 32, 33, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas in view of Jones and Shaw. With regard to a Dumas layout as disclosed in Fig. 7. Dumas discloses the claimed course with the exception of the positioning of the tees and the irrigation layout. Dumas' rectangularly oriented repeated holes are substantially the same size as is clearly depicted in Figs. 7 and 1.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. It would have been obvious to one of ordinary skill in the art to have done so with Dumas' fairways as well to increase the versatility of the golf course. How the tee areas are used is not at issue.

With regard to the irrigation system, as noted previously such are known in the art as typified by Shaw. It would have been obvious to one of ordinary skill in the art to have provided such with Dumas' course as well to provide irrigation.

Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 22 and 44 respectively above, and further in view of Taniguchi. Claims 29 and 45 are obviated for the reasons set forth in the claim 22 and 44 rejections with the exception of the lighting. However, as disclosed by Taniguchi it is known in the art to use such on golf courses. It would have been obvious to one of ordinary skill in the art to have done the same with Dumas' golf course to allow for night play.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 22 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Dumas' course as well to play a game such as that disclosed by Armstrong.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 39 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 39 rejection with the exception of the target. However, it is known

in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Dumas' course as well to play a game such as that disclosed by Armstrong.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 40 above, and further in view of Aberg for the reasons set forth in the previous action's application of Aberg.

Applicant's arguments with respect to claims 22-30, 32, 33, 35-37, 39-48 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
10/12/05

Mark S. Graham
Primary Examiner